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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/698,658	10/31/2003	Paul Curtis Hynek	Hynek	3772

7590 06/03/2004

Paul Hynek  
3420 Sepulveda Blvd., #515  
Los Angeles, CA 90034

EXAMINER
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CARTER, MONICA SMITH

ART UNIT	PAPER NUMBER
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3722

DATE MAILED: 06/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/698,658

Applicant(s)

HYNEK, PAUL CURTIS

Examiner

Monica S. Carter

Art Unit

3722

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10/31/03 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 10/31/03.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement filed October 31, 2003 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to regarding the foreign patents has not been considered.

### ***Drawings***

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the adhesive (claim 4) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 12-15 and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 12 and 20, it is not clear to the examiner how the additional portion of flexible, waterproof, tear-resistant material extends from one of the stiffening means since figure 4 show the additional portion extending from the folded sheet.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-4, 6-8, 10, 11 and 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beylerian (4,586,729) in view of Derraugh et al. (6,702,331).

Beylerian discloses a book for storing and presenting printed material comprising a single sheet of flexible, tear-resistant, accordion-folded material (25) (see col. 3, lines 37-39), the sheet having a plurality of folds dividing the sheet into portions (as seen in figure 1), including two outermost portions (15, 16), and means for stiffening the outermost portions (wherein the means is considered to be the magnetizable sheet material), at least one of the stiffening means exerting a magnetic attraction (see col. 2, lines 42-46), whereby the book can be conveniently and compactly stored (as seen in figure 2).

Beylerian discloses the claimed invention except for single sheet of flexible, tear-resistant, accordion-folded material being waterproof.

Derraugh et al. disclose a foam book that is waterproof and easily cleanable. The binding means (102) of the book is "water-resistant or water-proof foldable material such as cloth, nylon, plastic, foam or nylon" (see col. 3, lines 55-59). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify Beylerian's invention to provide a waterproof, single sheet of flexible, tear-resistant, accordion-folded material, as taught by Derraugh et al., so a child can read and play with the book while in the bath or by the poolside and so that the book can be easily cleaned (see col. 1, lines 26-43).

Regarding claims 2 and 3, Beylerian, as modified by Derraugh et al., discloses the sheet of the book being made of any of a variety of conventional sheet materials (see col. 3, lines 37-39). This would, therefore, include multi-layered polypropylene synthetic material.

Regarding claim 4, Beylerian, as modified by Derraugh et al., discloses the means for stiffening comprising sheets of material that are more rigid than the single sheet and hingedly attached to the sheets (see col. 3, lines 39-43). Regarding the attachment being via adhesive, it is well-known in the art of binding to bind sheets to covers by way of an adhesive composition and, therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to adhesively bind the sheets to the outermost rigid sheets.

Regarding claim 6, Beylerian, as modified by Derraugh et al., discloses means for stiffening the outermost portions (wherein the means is considered to be the

magnetizable sheet material), at least one of the stiffening means exerting a magnetic attraction (see col. 2, lines 42-46).

Regarding claims 7 and 8, Beylerian, as modified by Derraugh et al., discloses that the waterproof book of foam pages (as seen in Derraugh et al.) would render the book buoyant in water.

Regarding claim 10, Beylerian, as modified by Derraugh et al., inherently discloses that some part of the sheet is blank (i.e., marginal areas).

Regarding claim 11, Beylerian, as modified by Derraugh et al., disclose the sheet members forming either a memo book or diary (see col. 1, lines 5-8) and would, therefore, accept pencil marks, which notoriously can be erased, and ink.

Regarding claim 16, see the above rejections to claim 1.

Regarding claims 17 and 18, see the above rejections to claims 2 and 3.

Regarding claim 19, see the above rejections to claims 7 and 8.

7. Claims 5 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beylerian in view of Derraugh et al. and further in view of Legrand (2002/0167159).

Beylerian, as modified by Derraugh et al., discloses the claimed invention except for the adhesive being substantially waterproof.

Legrand discloses a foam book having a binding cord having non-toxic waterproof adhesive or binding compound (see page 3, col. 1, [0027]). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify Beylerian's invention to include waterproof adhesive, as taught by Legrand, to

provide a binding means capable of withstanding the effects of being used in water applications.

8. Claims 12-15 and 20, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Beylerian in view of Derraugh et al. and further in view of Hirasawa (4,685,699).

Beylerian, as modified by Derraugh et al., discloses the claimed invention except for an additional flexible, waterproof, tear-resistant material extending from the rest of the sheet by perforations, so that it can be readily removed.

Hirasawa discloses a promotional article comprising an accordion-folded sheet of material (48) having an additional sheet (46) that may be separated from the remainder of the sheet by perforations (see figure 4 and col. 5, lines 3-7). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify Beylerian's invention to include an additional sheet separated from the remainder of the sheet by perforations, as taught by Hirasawa, to provide removable coupons or other promotional items from the sheet to be redeemed by the user.

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited references disclose books.

Art Unit: 3722

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Monica S. Carter whose telephone number is (703) 305-0305. The examiner can normally be reached on Monday-Thursday (7:00 AM - 4:30 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrea L. Wellington can be reached on (703) 308-2159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

May 28, 2004

*Monica S. Carter*  
**MONICA S. CARTER**  
**PRIMARY EXAMINER**